

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:08-00053-02

ELIZABETH CLAY

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On June 2, 2016, the United States of America appeared by Monica D. Coleman, Assistant United States Attorney, and the defendant, Elizabeth Clay, appeared in person and by her counsel, Brian D. Yost, for a hearing on the petition on supervised release and amendment thereto submitted by United States Probation Officer Patrick M. Fidler. The defendant commenced a thirty-month term of supervised release in this action on December 12, 2013, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on June 4, 2013.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant used and possessed controlled substances as evidenced by a positive urine specimen submitted by her on June 16, 2014, for marijuana, the defendant having admitted to the probation officer that she had used marijuana approximately 30 days prior to submitting the sample; a positive urine specimen submitted by her on July 22, 2015, for amphetamine and methamphetamine; and a positive urine specimen submitted by her on March 1, 2016, for methamphetamine, amphetamine and marijuana, the defendant having admitted to the probation officer that she had used methamphetamine and "ice" the day before, heroin approximately three or four days prior and marijuana on or about February 20, 2016; (2) the defendant failed to file monthly reports for November and December 2015, and January 2016; (3) the defendant failed to attend substance abuse counseling as directed on January 2, 2014; April 3, 2014; for the months of May, July, September and November 2014' and the months of March, May, June, July and September 2015; (4) the defendant failed to provide urine screens as directed inasmuch as she was to provide two urine screens per month and submitted only one on August 26,

2015; all as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release and amendment thereto.


And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of SIX (6) MONTHS.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: June 10, 2016



John T. Copenhaver, Jr.
United States District Judge